

When: December 8, 2016
Where: Site Visit at West Point Harbor, San Mateo County
Present: Mark Sanders, David Smith, Marc Zeppetello, Andrea Gaffney, Brad McCrea, Adrienne Klein (attached notes & photos by AK)
File Numbers: Enforcement Case No. ER2010.013 and Permit No. 2002.002.06 (exclusive of .05)

Public Shore Signs (Page 13 of photographs)

Marc Zeppetello comments that the public shore signs have been posted since his site visit a couple of months ago (on October 22, 2016). There are about three posted throughout the site though the photographs seem to have captured only one.

Phase 2 Boatyard Area (Pages 1-4 of Photographs)

Access to this area is precluded due to ongoing construction operation of boatyard building, which will apparently be completed in January. Mark says it is supported by 50 pilings that have been driven 95 feet deep.

Overlook authorized by 2002.002.06 is constructed. No additional plan review is required. We should check that it conforms to plans cited in the permit.

The grey storage units on the landward side of the dock next to the fuel dock and the green storage unit next to the marina entrance apparently hold boats. Do these require authorization?

Mark has placed earth fill on top of the riprap. Does this require authorization?

There are 2 new PG&E transformers in the PA areas; one in especially unfortunately located to impact Bay views near Westpoint Slough.

The public restroom is under construction; per Mark, it will have sensors on the doors.

Retention pond is under construction as is boatyard building.

Phase 1 Area - Between Phase 2 and Phase 3

Throughout the site, there are lots of items in the parking spaces which are shared public shore and marina tenant parking spaces, and in public access areas that are meant to be landscaped: A solar and wind powered unit, a fire truck, shipping containers, a wooden fenced in area of unknown purpose, a porta potty, hand launch boat storage, a surf spots shipping container and a picnic area with a ground cover, two picnic tables and a frame to support a rain and/or sun shade (not erected the day of our visit). All of these uses and this fill require permit authorization and plan approval. Unlikely approvable as they conflict with the permit's requirements for use of these public access areas. (Pages 5 and 8 of photographs)

In the area between marina and salt pond that is supposed to be landscaped to create a visual screen, there area a series of improvements that are not shown on the plans consisting of a "Michelle Obama" community garden and six or eight circular planters. There also appear to be newly installed trees that may or may not appear on the not yet approved landscaping plans submitted a year or two ago. There is also a PG&E transformer, which may appear in photos from previos site visits? (Pages 5, 6 and 7 of photographs).

I don't know if the garbage area is shown on the not yet approved plans (page 7 of photographs).

Phase 3 Future Retail and Office Area (Pages 8 through 14 of photographs)

New "Rowers dock" in place as an extension to one of the two transient docks. It is apparently 12 by 16 feet. It is not in plans or permit, per Andrea. Lots of boats on the dock and adjacent upland. Operation run by "Redwood City 101 Surf Sports," to which I cannot locate a link online.

Parking spaces occupied by Surf Sports' equipment containers and a fire truck. Mark tells us that emergency responders use the site for training exercises.

An area of the future retail building envelope is being used for boat lay out, rescue operations by emergency responders conducting trainings or both. Nearby parking spaces contain equipment, etc. as described above.

The condition of the public shore trail is severely deteriorated (see page 12 of photographs).

Brad discusses apparent contradiction between Mark Sanders' refusal to open the public access but the fact that it is open to people participating in water sports with "Redwood City 101 Surf Sports."

The fence between Pacific Shores and West Point Marina is new and much more extensive than on my last site visit. It appears, although I am not 100% sure, that Mark has conducted additional tree planting along the marina basin; we should check to see if they are shown on the not yet approved landscaping plans. The cypress trees along the slough remain in place; I recall that Ellen Miramontes asked that they be removed to protect species from predation.

BCDC Public Restrooms In Harbormaster Building

The public restrooms are located and not posted as open to the public. Mark S opened restrooms for BCDC staff by passing an electronic device on his key ring over an electrical panel on the wall between the restroom doors.

Mark Sanders Statements, Positions and Next Steps

Mark wants to build 2 decks in advance of the ultimately planned boardwalk to enable parents to overlook the rowers docks to watch their kids.

About access from Pacific Shores, Mark says he bought rights and has constructed 3 easements but he cannot open until both the City and Pacific Shores give him permission. (I happen to know that he requires no permission from Pacific Shores to open the primary link. I worked with that property manager to complete their side of the connection and specifically asked if they had any impediments. Permit No. 1998.021 and ER2011.008, which is one of about five total ER cases dealing with Pacific Shores.)

Per Mark, this connection is part of Phase 3 and not Phase 1. Same for transient docks.

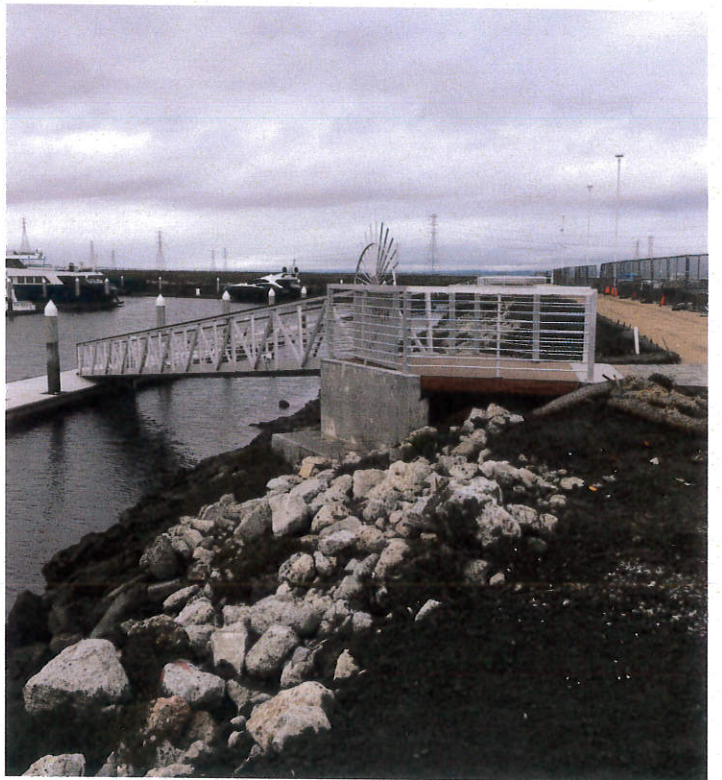
Mark says there is 310,000 sf of public access at West Point Harbor, which exceeds that required by the permit. He cites City of Redwood City letter as a reason he cannot make access connection. He refers to five DRB meetings and those drawings, in disregard of the fact that the permit supersedes those meetings and requires its own plans.

Mark considers transient boaters members of the public in disregard of the fact that they have to register and pay \$10.00/foot for use transient dock.

Mark says there are 17,000 wet slips in SF and his are the only ones in the South Bay. He mentions multiple times during the site visit how many awards his marina has won.

Meeting Conclusion

Marc Zeppetello informs Mark Sanders and David Smith that BCDC will likely pursue a formal enforcement proceeding to achieve permit compliance. In response, Mark Sanders says he can open access by end of January if he can obtain a permit to construct a fence around the Phase 3 retail building envelopes.



12/8/2016 by AKlein







































